

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

January 5, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00347HG  
CASE NAME: U.S.A. vs. NATHAN ABE  
ATTYS FOR PLA: Louis A. Bracco  
ATTYS FOR DEFT: Myles S. Breiner  
U.S.P.O.: Malia Eversole

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JUDGE:	Helen Gillmor	REPORTER:	Ann Matsumoto
DATE:	January 5, 2006	TIME:	2:15 - 2:55
		(MOTION)	10 MIN)
		(SENTENCING)	30 MIN)

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### COURT ACTION: SENTENCING TO THE FELONY INFORMATION -

The defendant is present on bond.

The Court finds that the defendant qualifies for the "safety valve" provision as set forth in 18 U.S.C. Section 3553(f)(1)thru(5).

The Memorandum of Plea Agreement is accepted.

Allocution by the defendant.

Defendant's Oral Motion for Downward Departure is GRANTED.

ADJUDGED: Impr of 69 mos.

SUPERVISED RELEASE: 5 yrs upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.

5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- 8.. That the fine of \$7,000 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.
9. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special assessment: \$100.

Advised of rights to appeal the sentence, etc.

RECOMMENDATIONS: Sheridan, OR. That the defendant participate in the 500-Hour Comprehensive Drug Treatment Program and educational and vocational training programs.

Motion for Voluntary Surrender is GRANTED.

MITTIMUS: February 23, 2005 by 2:00 p.m.

Submitted by: David H. Hisashima, Courtroom Manager

